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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,460	03/07/2002	Yoshiyuki Watanabe	03500.16266	9043

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NEW YORK, NY 10112

EXAMINER

DUNN, MISHAWN N

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/091,460	Applicant(s) WATANABE, YOSHIYUKI	
	Examiner Mishawn N. Dunn	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-12 and 17 is/are allowed.
- 6) ☒ Claim(s) 1,7,8 and 16 is/are rejected.
- 7) ☒ Claim(s) 2-6 and 13-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Oguro (US Pat. No. 6,026,212).
3. Consider claim 1. Oguro teaches a recording apparatus having a first recording mode for recording additional information in a cyclic manner in a unit of m tracks (m is an integer of 2 or greater) and recording an encoded image signal on n x m tracks (n is an integer of 1 or greater) per one frame (col. 9, lines 25-28) and a second recording mode for recording the additional information and the encoded image signal on n x m/2 tracks per one frame (col. 9, lines 29-31), said apparatus newly recording an image signal onto a recording medium on which the encoded image signal is recorded in the second recording mode (col. 8, lines 52-54), said apparatus comprising: encoding means for encoding an input image signal (col. 9, lines 22-25); additional information generation means for generating the additional information (col. 10, line 66 – col. 11, line 12; fig. 16); recording means for recording the image signal encoded by said encoding means and the additional information generated by said additional information generation means onto the recording medium (col. 9, lines 22-37); and control means for controlling the recording means to start recording from a track at a head of the n x m

Art Unit: 2621

tracks on which the image signal for two frames is recorded (col. 4, lines 13-16; fig. 9), in the case where the image signal and the additional information are newly recorded in said second recording means onto the recording medium (col. 8, lines 52-54).

4. Consider claim 7. Oguro teaches an apparatus wherein said additional information generation means generates the additional information whose contents vary every track, in a cyclic manner in a unit of the m tracks (col. 10, line 66 – col. 11, line 12; fig. 16);

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oguro (US Pat. No. 6,026,212) in view of Nakamura et al. (US Pat. No. 6,963,374).

7. Consider claim 8. Oguro teaches all the claimed limitations as stated above, except an apparatus further comprising image capturing means for capturing an image of an object and outputting an image signal to said encoding means.

However, Nakamura et al. discloses an image capturing means for capturing an image of an object and outputting an image signal to said encoding means (col. 5, lines 53-55; fig. 4).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to capture an image of an object and output an image signal to encoding means, in order to process images more efficiently.

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oguro (US Pat. No. 6,026,212).

9. Consider claim 16. Oguro teaches an apparatus wherein said recording means records the encoded image signal on the tape-shaped recording medium (col. 8, lines 51-54).

Oguro does not specifically teach a signal processing means that encodes the input image signal in accordance with SD High Compression Specifications defined by HD Digital VCR Conference.

However, Oguro does teach standard play (SP) mode and long play (LP) mode, which encodes the input image signal in the same manner as the SD High Compression Specifications defined by HD Digital VCR Conference (col. 1, lines 8-12).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to encode the input image signal in SP mode or LP mode, in order to allow the user to record with a higher degree of compression.

***Allowable Subject Matter***

10. Claims 2-6 and 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 9-12 and 17 are allowed.

12. The following is a statement of reasons for the indication of allowable subject matter: The present invention is directed to a recording apparatus for halfway recording a new image signal and additional information to a recording medium in units of two frames. Independent claims 9 and 10 identify the uniquely distinct features, "a recording apparatus for halfway recording a new image signal." Independent claims 11 and 17 identify the uniquely distinct features, "in response to a direction to end the recording, the recording is terminated at the final track of n x m tracks on which the n-frame image signal is recorded in a cyclic manner." The closest prior art, Oguro (US Pat. No. 6,026,212), fails to anticipate or render to the above underlined limitations obvious.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

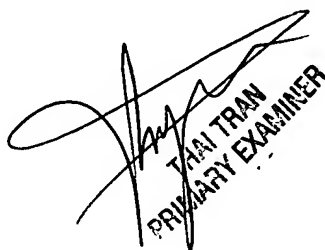
- a. US Pat. No. 5,966,496
- b. US Pat. No. 6,788,877
- c. US Pub. No. 2001/0043793

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mishawn N. Dunn whose telephone number is 571-272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mishawn Dunn  
June 20, 2006



THAI TRAN  
PRIMARY EXAMINER